

STATE OF WISCONSIN

CIRCUIT COURT

Kevin R. Calkins
SAUK COUNTY

STATE OF WISCONSIN,

Plaintiff,

CRIMINAL COMPLAINT

Vs.

Court Case No. 2010CF

TIMOTHY E. SMITH, DOB 07/01/1957

1007 JEFFERSON

Agency No.

PRAIRIE DU SAC, WI 53578,

Defendant.

ATN:

Complainant, having been duly sworn, states:

Count 1: MANUFACTURE > 20 PLANTS TETRAHYDROCANNABINOL: On and before March 26, 2010, in the Village of Sauk City, in Sauk County, Wisconsin, the defendant did manufacture more than 20 plants containing tetrahydrocannabinol (THC), contrary to sec. 961.41(1)(h)3 Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both. And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 2: POSSESSION WITH INTENT TO DELIVER > 20 PLANTS TETRAHYDROCANNABINOL: On and before March 26, 2010, in the Village of Sauk City, in Sauk County, Wisconsin, the defendant did possess with intent to deliver more than 20 plants containing tetrahydrocannabinol (THC), contrary to sec. 961.41(1m)(h)3 Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both. And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

PROBABLE CAUSE: I am a law enforcement officer and sign this Criminal Complaint on personal knowledge, information and belief.

On March 26, 2010, I and other officers executed a search warrant for the residence at 1007 Jefferson Street, Sauk City, Sauk County, Wisconsin. The residents of the premises were identified as Timothy Smith and Diane Smith. In an unattached garage on the premises, officers found a large quantity of processed marijuana. In a cooler, in the garage, I saw four to five gallon size Ziploc bags filled with processed marijuana. In a tote in the garage, I saw approximately two or more pounds of marijuana "bud" drying. In an underground "bunker"

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accessible from the interior of the garage, I saw a large marijuana growing operation. There were two rooms with mature marijuana plants at various stages of development. There were grow lights and a watering system for the plants. There were also numerous immature plants in that bunker at various stages of development.

I and State of Wisconsin Department of Criminal Investigation Special Agent Greg Phillips interviewed Timothy Smith. Smith admitted the following: He has been growing marijuana in the bunker under the garage for the last year or so to supplement his income. He has regular customers for his marijuana. He has harvested a total of ninety marijuana plants since he began. The plants were all created from "clones" (cutting from another plant – not seeds) and take approximately six months each to grow from cutting to harvest.

I am advised by Sauk-Prairie Police Detective Paul Deuman as follows: There were a total of 78 plants seized from the bunker on the Smith premises. 26 of the plants were mature plants (immature plants often have not created any THC yet). He conducted the Duquenois-Levine chemical field test for THC on a sample from one of the mature plants. The test was positive for the presence of THC.

I believe the statements of Timothy Smith to be truthful and reliable as they are statements against penal interest. I know that Detective Deuman supplied the above information in the ordinary course of his professional duties as a law enforcement officer and, therefore, believe the above information to be accurate and reliable.

Signed and sworn to before me and approved for filing this 26th day of March, 2010.

Kevin R. Calkins
(Assistant) District Attorney
1008206

Paul Deuman
Complainant

I find that probable cause exists that the crimes were committed by the defendant and order that he be held to answer thereto.

Dated March 26, 2010, at 8:13 p.m.

Patrick J. Taggart
Judge / Court Commissioner
PATRICK J. TAGGART

2010SA000775